

REGULAR MEETING OF THE  
OKLAHOMA WORKERS' COMPENSATION  
COMMISSION

~ APPEALS ~

Friday July 19, 2019  
9:00 a.m.  
Commission Chambers  
1915 N. Stiles Ave.  
Oklahoma City, Oklahoma  
[www.wcc.ok.gov](http://www.wcc.ok.gov)

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*MINUTES*

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Members present: Chairman Mark Liotta, Commissioner Jordan Russell and Commissioner Megan Tilly.

Staff present to support the Commission: Lindsey Christopher, Dana Esparza and Monica Pack.

**STATEMENT OF OKLAHOMA OPEN MEETING LAW COMPLIANCE**

Chairman Liotta stated the administrative meeting was being held in compliance with the Open Meetings Act.

**CALL TO ORDER ..... Presiding Appellate Officer, Chairman Liotta**

Call to order 9:00 a.m. by Chairman Liotta, Presiding Appellate Officer.

**ROLL CALL ..... Presiding Appellate Officer, Chairman Liotta**

After the roll call was taken, Chairman Liotta announced the presence of a Quorum.

**A. MINUTES:**

- The drafted Minutes of the Regular Appeal Meeting of June 21, 2019, were considered for approval.

**Motion:** Commissioner Tilly made a motion to approve the Regular Appeal Meeting of June 21, 2019, minutes.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: MINUTES APPROVED**

**B. Appeal Hearings before the Commission En Banc from Orders Issued by the Commission's Administrative Law Judges**

**1. Meredith Cochrane v. Comanche County Memorial Hospital (Own Risk #13032), File #CM2017-0860K**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Daniel M. Davis represented the Claimant and Gary D. Long represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**2. Amanda Byrd v. Mazzios LLC (Own Risk #14679), File #CM2016-03950J**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. Michael R. Green represented the Claimant and Travis A. Fulkerson represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to deny the motion to strike Claimant's brief and to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: ALJ ORDER AFFIRMED**

**3. Mario Cervantes v. AutoZone Inc. & XL Insurance America Inc., File #CM2017-04566F**

Respondent filed an appeal from the order issued by Administrative Law Judge Curtin. Daniel M. Davis represented the Claimant and Seth Caywood represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED:       AFFIRMED**

**4. Jayne Byassee v. 7 Eleven Stores Inc. & Great American Alliance Insurance Co., File #CM2017-07246Q**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Michael R. Green represented the Claimant and Heather A. Lehman Fagan represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED:       TAKEN UNDER ADVISEMENT**

**5. Kenneth Christensen v. Stevens Trucking Co. & CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2016-06441Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Egan. Joey Chiaf represented the Claimant and Grant M. Spencer represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take preliminary action to modify the Administrative Law Judges Order.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: MODIFIED**

**6. Terry W. Garrett v. MITF, File #CM2015-04717JMIF**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Micah Felton represented the Claimant and Heather Lehman Fagan represented the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**7. William Wayne Neighbors v. Justice Alma Wilson Seeworth Academy & Old Glory Insurance Co., File #CM2017-01473Y**

Respondent filed an appeal from the order issued by Administrative Law Judge Lawyer. Sidney A. Musser Jr., & Bob Burke are the attorneys of record for the Claimant. J. Douglas Mann & Matthew P. Cyran are the attorneys of record for Respondent Justin Alma Seeworth Academy. Cathy C. Barnum is the attorney of record for the Respondent Old Glory Insurance Co.

The parties to this case sent a joint email agreeing to continue this case in pursuit of settlement prior to oral argument.

**Motion:** Commissioner Tilly moved to continue this case.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: CONTINUED**

**8. Linda Carpenter v. ATC Drivetrain Inc. and Great American Alliance Insurance Co., File #CM2018-02862L**

Claimant filed an appeal from the order issued by Administrative Law Judge Curtin. Timothy Kent is the attorney of record for the Claimant and Heather A. Lehman Fagan is the attorney of record for the Respondent.

**Motion:** After reviewing the record, hearing oral argument of counsel and deliberating, Commissioner Tilly moved to take this case under advisement.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: TAKEN UNDER ADVISEMENT**

**C. Commission Consideration of Adoption of Final Orders in the Following Cases:**

**1. Julio Cesar (Perez) Gomez v. Encinos 3D Custom Products LLC and/or D. Trent Holman & Assoc. Inc., and CompSource Mutual Ins. Co. (FKA CompSource Oklahoma), File #CM2017-02108L**

Claimant filed an appeal from the order issued by Administrative Law Judge Egan. Bryce A. Hill represented the Claimant. Doug Thomas represented Respondent Encinos 3D. Leah P. Keele represented Respondent D. Trent Holman & Associates. Dana L. Gish represented Respondent CompSource Mutual.

This case came on for Oral Argument on May 17, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** Commissioner Tilly moved Continue this matter.

**Second:** Commissioner Russell.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: CONTINUED**

**2. Barbara Barnes v. WalMart Stores Inc. (Own Risk #20000) File #CM2018-03702A**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Darrel Paul represented the Claimant and Jordan S. Ensley represented the Respondent.

This case came on for Oral Argument on June 21, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission voted to affirm in part and to reverse in part.

**Motion:** Commissioner Russell moved to adopt this order as proposed.

**Second:** Commissioner Tilly.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ADOPTED**

**3. James Brice Martin v. City of Tulsa (Own Risk #10435), File #CM2018-02279X**

Claimant filed an appeal from the order issued by Administrative Law Judge Inhofe. JL Franks represented the Claimant and Travis R. Colt represented the Respondent.

This case came on for Oral Argument on June 21, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** Commissioner Russell moved to affirm the Administrative Law Judge's order and authorized the Commission's Presiding Appellate Officer to sign and file an order on behalf of the Commission.

**Second:** Commissioner Tilly.

**Those Voting Aye:** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: AFFIRMED**

**4. Jimmy Dean Dotson v. OSU Tulsa (Own Risk #14526), File #CM2016-03377A**

Respondent filed an appeal from the order issued by Administrative Law Judge Inhofe. Susan Jones represented the Claimant and Robert Simpson represented the Respondent.

This case came on for Oral Argument on June 21, 2019. After reviewing the record, hearing oral argument of counsel, and deliberating, the Commission took this case under advisement.

**Motion:** Commissioner Tilly moved to adopt the order as proposed.

**Second:** Commissioner Russell.

***Those Voting Aye:*** Chairman Liotta, Commissioner Russell and Commissioner Tilly.

**THE MOTION CARRIED: ORDER ADOPTED**

**D. Announcements**

Commission's next regular business meeting is Thursday, August 15, 2019. Commission's next regular meeting regarding Appeals is scheduled for Friday, August 16, 2019.

**ADJOURNMENT**

***Motion:*** Commissioner Tilly moved to adjourn the meeting at approximately 2:41 p.m.

***Second:*** Commissioner Russell.

***Those Voting Aye:*** Chairman Liotta, Commissioner Russell, and Commissioner Tilly.

**THE MOTION CARRIED: THE MEETING WAS ADJOURNED.**